

MINUTES

UTAH SOCIAL WORK LICENSING BOARD MEETING

January 12, 2006

Room 4B – 4th Floor – 9:00 A.M.
Heber Wells Building

CONVENED: 9:00 A.M.

ADJOURNED: 3:45 P.M.

Bureau Manager:
Board Secretary:

Noel Taxin
Karen McCall

Board Members Present:

Mark de St. Aubin
Kathryn M. Della-Piana
Joyce Stowe-St. Clair
Dennis R. Frandsen
Patsy J. Smith
Jean V. McAfee
Steven Fisher

Guests:

Craig Jackson, Division Director

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Read and approve the December 8, 2005 Minutes.

Mr. Frandsen made a motion to approve the minutes with minor revisions. Ms. Stowe-St. Clair seconded the motion. **The Board vote was unanimous.**

PENDING BUSINESS:

Fine Authority

Ms. Taxin reported that applications have been received with supervised hours prior to being licensed. Ms. Taxin stated that the supervisors have signed off on the unlicensed hours.

Ms. Taxin stated that fine authority would give the Division the option of fining the supervisor and the applicant for unlicensed practice. Ms. Taxin explained that the fine would be issued, the individual goes to a

hearing to address the situation. Ms. Taxin and Mr. de St. Aubin concluded that after a few fines are given, the word will get out and supervisors and applicants will be more careful to be sure the license is in place prior to starting the supervised hours.

Ms. Taxin stated that she would have to coordinate with Steve Davis, Bureau Chief, to discuss fine authority as an option.

Ms. Stowe-St. Clair made a motion for Ms. Taxin to discuss implementing fine authority with Investigations to determine if fine authority is available and report back to the Board. Mr. Fisher seconded the motion. The Board vote was unanimous.

Ms. Della-Piana recommended the Division contact the Association to write an article in the Association newsletter regarding the fine authority and unlicensed issues, the concern of the Board and include licensing requirements.

90 Day Exemption

Ms. Taxin reported that the AG's office thoroughly reviewed the Social Work Law and Rules and determined there is no statute authority to allow a verbal or written 90 day exemption from licensure between the graduation date and the licensing date. Ms. Taxin stated that the Universities will not take the liability responsibility nor will agencies. Ms. Taxin stated that she will contact the Utah Universities and inform them that there will no longer be the 90 day exemption option for new graduates.

NEW BUSINESS:

APPOINTMENTS:

9:30 to 10:30 A.M.

Proposed Rules Review

Ms. Taxin requested clarification on the final draft regarding the practice methods course. Ms. Taxin stated that practice methods has been explained to her as coursework that explores the assessment and treatment of individual, groups, families and communities. Ms. Taxin stated this could be one class or several classes.

Board members agreed with Ms. Taxin and recommended the word “and” be kept between families and communities in order for the 4 required populations to be listed.

Ms. Taxin voiced her frustration regarding the lack of progress in finalizing the proposed rules. Ms. Taxin recommended the Board try to make the rules simple and less complicated. Ms. Taxin recommended the Board concentrate on giving a clear definition for the Social Work Practice Methods Course in order to implement that as soon as possible.

Mr. de St. Aubin voiced that the Board submitted recommendations to Ms. Taxin and he was of the opinion that those recommendations were not reviewed thoroughly by the Board. Mr. de St. Aubin requested the Board review each recommendation and continue the discussion at the next scheduled Board meeting before a final decision regarding rule changes is made.

Board members recommended accepting the draft as previously agreed upon. Discussion around frustrations of continued editing were voiced.

A copy of the recommendations that were submitted by Board members was distributed to each Board member and Ms. Taxin requested them to review and be prepared to make final recommendations at the next scheduled Board meeting.

10:30 A.M.

James Bone, Probationary Interview

Mr. Bone met for his probationary interview.

Ms. Della-Piana conducted the interview.

Mr. Bone submitted the supervision report from Craig England, LCSW supervisor. Mr. Bone read a letter of request for termination of probation.

The board noted that Mr. Bone has been in compliance consistently with his probation. The board reviewed Mr. Bone’s supervision report and noted Mr. England wrote a very positive report regarding Mr. Bone’s professional abilities in treatment planning, interventions, therapeutic

knowledge in facilitating problem resolution, development of insight and personal growth. The Board reviewed Mr. Bone's Memorandum of Understanding and determined termination of probation is not an option until Mr. Bone has been on probation for a period of 3 years and in compliance with all requirements. The Board noted Mr. Bone will not reach the 3 year mark until July 2006.

The Board recommended Mr. Bone be on probation for the full three years and then present a request for termination.

An appointment was made for Mr. Bone to meet again in July 2006, with the regular supervisor's quarterly report due in March 2006.

11:00 A.M.

Robert Marshall, Probationary Interview

Mr. Marshall met for his probationary interview.

Mr. de St. Aubin conducted the interview.

The new Board members were introduced to Mr. Marshall.

Ms. Della-Piana reported that she was requested to contact Mr. Marshall's therapist, Robert Heaton, and Mr. Marshall's supervisor, Russ Talbot. Ms. Della-Piana reported she made contact with the therapist and Mr. Heaton confirmed that Mr. Marshall's therapy has been terminated as Mr. Heaton does not view Mr. Marshall as a risk to cross boundaries with clients and Mr. Marshall moved to Northern Utah. Ms. Della-Piana stated that Mr. Heaton reported Mr. Marshall describing his interaction with the Board as a positive experience.

Ms. Della-Piana reported that she also contacted Mr. Marshall's supervisor and Mr. Talbot commented that the agency noticed some change in Mr. Marshall when he started on his medications. Ms. Della-Piana stated Mr. Talbot reported that Mr. Marshall is an excellent employee who works in a structured setting, who gives positive feedback to adolescents. Ms. Della-Piana further

commented that Mr. Talbot is of the opinion that Mr. Marshall has the weakness of wanting to be a good guy and has a hard time setting firm limits with the kids. Ms. Della-Piana reported Mr. Talbot informed her that he has written a letter supporting early termination of Mr. Marshall's probation.

Mr. Marshall stated there have been no changes in his work and everything is going fine. Mr. Marshall stated he drives up to Salt Lake from Cedar City area for his appointments.

Mr. Marshall stated he had a letter from Mr. Talbot requesting early termination of probation and Mr. Talbot did not fill out the required supervision form. Mr. Marshall read the letter. Mr. Marshall then asked the Board to consider early termination of his probation.

Ms. Della-Piana reminded Mr. Marshall that his probation started when he was employed in a clinical setting.

Mr. de St. Aubin reviewed the file and determined probation started April 22, 2005 when Mr. Marshall became employed as a therapist.

Ms. Taxin responded to Mr. Marshall that the Board and the Division do not consider early termination until the probation period is at least one half completed which would be October 2006.

Ms. Taxin reminded Mr. Marshall that the supervisor reports are due quarterly and the report form must be completed and submitted by January 20, 2006.

Mr. de St. Aubin commended Mr. Marshall on the positive changes he has made regarding obtaining employment in a clinical setting, however, the Board is bound by the requirements of the Stipulation and Order. Mr. de St. Aubin reminded Mr. Marshall to be sure the supervisor report from Mr. Talbot is submitted by January 20, 2006, on the form supplied as the letter submitted does not address the details requested on the form.

The Board noted that Mr. Marshall appeared somewhat subdued, was closed verbally and mildly provocative in his interactions with the Board. The Board further noted that Mr. Marshall was somewhat resistant to answering questions from the Board.

An appointment was made for Mr. Marshall to meet again April 13, 2006.

11:30 A.M.

Richard Bangerter, Discussion Regarding
Reinstatement of CSW License

Mr. Bangerter met with the Board to discuss
reinstatement of the CSW license.

Board members and Division Staff were introduced to
Mr. Bangerter.

The Board requested Mr. Bangerter to explain why the license expired and his reasons for requesting reinstatement.

Mr. Bangerter explained that he had been called by his religious leaders to serve as Mission President for 3 years in another area. Mr. Bangerter stated that he had requested all financial responsibilities be taken over by his daughter in his absence and his daughter either did not receive the renewal notice or overlooked paying the renewal fee in September 2002. Mr. Bangerter requested the Board to reinstate the CSW license and not require him to retest as the Law states based on the ethical practice and no complaints he had prior to the expiration date, his 3 year counseling experience as Mission President, having done well in his education and having been published in several professional magazines. Mr. Bangerter submitted original transcripts to document his education.

The Board reviewed the laws and rules and determined the requirements for reinstatement of a license that has been expired over 2 years are:

- 1. Submit a new application.**
- 2. Submit the new application fee and the reinstatement fee.**
- 3. Document meeting current requirements for licensure.**

The Board noted Mr. Bangerter graduated from the required CSWE accredited education program and did well in his coursework and passed the Utah specific clinical examination. The Board noted that the Mr. Bangerter meets the current education requirement for licensure but does not meet the current examination requirement as per the following:

58-1-308. Term of license – Expiration of license – Renewal of license – Reinstatement of license – Application procedures.

(6)(a) If not reinstated within two years, the holder may obtain a license only if he meets requirements provided by the division by rule or by statute for a new license.

R156-1-308g. Reinstatement of Licensure Which was Active and In Good Standing at the Time of Expiration of Licensure – Requirements.

(3)(a) submit an application for licensure complete with all supporting documents as is required of an individual making an initial application for license demonstrating the applicant meets all current qualifications for licensure and compliance with requirements and/or conditions of license reinstatement;...

58-60-205. Qualifications for licensure as a clinical or certified social worker and social service worker.

(2) An applicant for licensure as a certified social worker shall:

(e) pass the examination requirement established by rule under Section 58-1-203.

R1560-60a-302d. Examination Requirements.

(2) In accordance with Subsection 58-60-205(2)(e), the examination requirements for licensure as a CSW shall include passing the Masters, Advanced Generalist, or Clinical Examination of the ASWB.

Following additional discussion the Board unanimously recommended the Division follow the guidelines of the Laws and Rules and require Mr. Bangerter to meet the new applicant requirement of passing the ASWB Masters, Advanced Generalist, or Clinical Examination.

Ms. Della-Piana called Mr. Bangerter on a conference call with the Board to inform him of the Board decision.

Mr. de St. Aubin offered to provide Mr. Bangerter later regarding information on an examination preparation class.

Mr. Bangerter voiced his disappointment in the Board's decision.

12:00 P.M.

Gregg Lott, Probationary Interview

Mr. Lott met for his probationary interview.

Ms. Stowe-St. Clair and Ms. Della-Piana were introduced to Mr. Lott as they were absent when Mr. Lott previously met with the Board.

Mr. Fisher conducted the interview.

Mr. Fisher requested an updated phone number as the Division has been unsuccessful in reaching Mr. Lott at the number listed.

Mr. Lott submitted his e-mail and cell phone numbers to the Division in case contact is necessary.

Mr. Fisher asked if Mr. Lott brought a resume from his proposed supervisor.

Mr. Lott responded that he has talked with Clayton Shumway regarding supervision and gave Mr. Shumway a copy of the Stipulation and Order to read. Mr. Lott stated that Mr. Shumway said he would supervise but, after reading the Stipulation and Order, is of the opinion that the supervision is more involved than he has time for right now. Mr. Lott stated that Mr. Shumway did agree to assist with developing the practice plan. Mr. Lott stated he has another person in mind to be the supervisor and will talk with him. If he cannot supervise, then Mr. Lott may request the Board's assistance. Mr. Lott stated that the person he has in mind is employed in the sex offenders program and is more distant from Mr. Lott, and Mr. Lott does not really know his job duties.

Mr. Lott asked the Board about compensation for the supervisor, ie: would the agency or Mr. Lott be responsible or would the supervisor be required to donate the time.

The Board asked if Mr. Lott's agency would be willing to compensate.

Mr. Lott responded that either he or the agency could compensate the supervisor.

Mr. Lott stated that he is 18% owner of the agency where he works and asked if that would be a problem.

The Board responded that being part owner should not be an issue at this time.

Ms. Taxin stated that Mr. Lott and the approved supervisor should review the Stipulation and Order and weekly meetings might be appropriate at first with less frequency later. Ms. Taxin suggested when Mr. Lott is writing his practice plan to include guidelines for safe, appropriate settings for therapy to take place.

Mr. Lott commented that he has started on the practice plan and has included a brake down on billable hours.

Ms. Taxin recommended the plan be constructed around the guidelines of the Laws and Rules. Ms. Taxin reminded Mr. Lott that the first priority is for the proposed supervisor to submit a letter of having read the Stipulation and Order and agreement to follow the requirements of supervising Mr. Lott and submit a resume. Ms. Taxin stated that Mr. Lott's probation time does not begin until the supervisor is approved. Ms. Taxin stated it would be better if the agency was compensating the supervisor, however, if that is not an option, Mr. Lott may compensate for the supervision. Ms. Taxin stated that Mr. Lott may fax the supervisor information for her to review within the next 2 weeks. Ms. Taxin requested Mr. Lott to also fax the draft of his practice plan for review.

Mr. Fisher gave Mr. Lott information Ms. Taxin

received on a seminar in Salt Lake for 6 hours of CE with a presentation on clinical supervision to assist Mr. Lott in completing the required CE. Mr. Fisher reminded Mr. Lott that he must submit a copy of the certificate of completion for any CE he attends.

An appointment was made for Mr. Lott to meet again March 16, 2006.

DISCUSSION ITEMS:

Compensation for Supervision

Ms. Taxin commented that the Law and Rules require the agency to have an affiliation with the supervisor for normal, traditional supervision. Ms. Taxin stated that the same requirements are ideal for probationers, however, there are times when the agency cannot hire someone to supervise and the probationer then must compensate for their required supervision. Ms. Taxin stated that probationary reports are required from supervisors to assist the Board in determining viable supervision.

The Board concurred.

Tentative 2006 Board Meeting Schedule

The Board noted the following 2006 Board meeting dates: March 16, April 13, May 4, June 8, July 13, August 10, September 7, October 12, November 9 and December 14, 2006.

The Board also noted the February 9, 2006 Board meeting was cancelled.

Probationer Out of Compliance

Ms. Taxin discussed Henry McCloyn being out of compliance with the Stipulation and Order in the following areas:

1. There has been no written notification submitted of where Mr. McCloyn is employed or who is supervising him. Mr. McCloyn has been working in the field for 6 months without supervision.
2. There has been no written request submitted for approval of a specific supervisor.
3. There has been no written statement from the supervisor stating the Stipulation and Order has been read, or understands Mr. McCloyn's Stipulation and Order restrictions.

4. There have been no monthly supervision reports submitted. This is not a requirement of the Stipulation and Order but the Board requested monthly supervision reports at this time as Mr. McCloyn made a change in his employment.
5. The quarterly therapy report has not been submitted. The last therapy report was received October 7, 2005.
6. Mr. McCloyn has not completed 1 year of clean drug tests. There have been 5 excused tests, 6 missed tests and 2 positive tests.

Ms. Taxin stated that Mr. McCloyn has been on probation since October 2004 and understands the importance of being in compliance with the requirements of his probation as the Board has consistently discussed the requirements and concerns and made specific requests for information.

Mr. Frandsen made a motion for Ms. Taxin to process an Order to Show Cause based on Mr. McCloyn's consistent failure to be in compliance with the requirements of his Stipulation and Order. Ms. Smith seconded the motion. The Board vote was unanimous.

FYI

Ms. Taxin discussed Jennie Gwilliam's last appointment with the Board and Ms. Gwilliam's request for the Stipulation and Order to be amended to allow her to work less than full time and the time to count toward completion of her probation. Ms. Taxin stated that she requested Ms. Gwilliam to submit a formal request in a letter and the letter has been received.

Ms. Della-Piana read the letter to the Board.

Mr. de St. Aubin made a motion to amend Jennie Gwilliam's Stipulation and Order to reflect a change in the requirement of employment hours from 40 hours a week to no less than 16 hours a week and the time will count toward completing the probation. Ms. Della-Piana seconded the motion. The Board vote was Unanimous.

The Board requested Ms. Taxin to send a letter to

Ms. Gwilliam regarding the December meeting request for Ms. Gwilliam to come to the next meeting prepared to discuss her practice from past to present and techniques she has found to be therapeutic that remain in the scope of her practice.

The Board further requested Ms. Taxin to review Ms. Gwilliam's file to be sure there is a letter and resume from Mr. Humphries regarding supervision and Ms. Brunson regarding consultation.

Ms. Taxin suggested Ms. Gwilliam provide a list of all the agencies and locations where she is currently working, names of all supervisors and, if information is not in her file, a letter and resume from each supervisor.

The Board concurred.

FYI

Ms. Taxin notified the Board of the three scheduled ASWB Board Member Training for 2006 and asked if any Board members would be interested in attending.

Ms. McAfee expressed an interest to attend in August. Other Board members checked their schedules and declined attendance at this time.

NEXT MEETING SCHEDULED FOR:

March 16, 2006

MEETING ADJOURNED AT:

3:45 pm

Date Approved

Chairperson, Utah Social Work Licensing Board

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing